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April 26, 2024

Hon. Andrew L. Carter Jr.  
United States District Court  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square, Room 435  
New York, NY 10007  
ALCarterNYSDCChambers@nysd.uscourts.gov

Re: Camshaft Capital Fund LP et al. v. BYJU's Alpha, Inc., 24-mc-00171-ALC

Dear Judge Carter:

On behalf of the respondent Debtor,<sup>1</sup> we write in response to the procedurally-improper letter filed by Camshaft on April 24, 2024 (Dkt. 20) and to update the Court on the U.S. Bankruptcy Court for the Southern District of Indiana's ("Indiana Bankruptcy Court") denial of Camshaft's duplicative motion to quash the Debtor's subpoena ("Subpoena") to Apex Fund Services (Indiana) Inc. ("Apex").

By way of background, on April 4, 2024, the Debtor issued mirror subpoenas to Apex in its state of incorporation (Indiana) and at its offices (in New York). Shortly thereafter, on April 5 and 8, 2024, Camshaft filed motions to quash in this Court and with the Indiana Bankruptcy Court (Case No. 1:24-mp-56003) ("Indiana Miscellaneous Proceeding"), respectively. After briefing was completed, on April 24, 2024, Camshaft filed additional near-duplicate motions for a protective order seeking to enjoin Apex from producing documents responsive to the Subpoenas. Then, the next day, April 25, 2024, Camshaft filed a complaint in the U.S. District Court for the Southern District of Indiana against Apex seeking a declaration, *inter alia*, that Apex's production of documents in response to the Debtor's lawfully-issued subpoena would violate Apex's agreements with Camshaft. *See Camshaft Capital Management, LLC et al v. Apex Fund Services (Indiana) Inc.*, Case No. 1:24-cv-00713-JRS-MG (S.D. Ind.) ("Camshaft-Apex Proceeding"). Camshaft

<sup>1</sup> BYJU's Alpha, Inc. (the "Debtor") is the Respondent in this miscellaneous action and the Debtor-Plaintiff in the underlying proceeding pending against Applicants-Defendants (collectively, "Camshaft") as part of the Debtor's bankruptcy proceedings. *See BYJU's Alpha, Inc. v. Camshaft Cap. Fund, LP*, Case No. 24-50013 (JTD) (Bankr. D. Del.) (the "Adversary Proceeding").

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moved for a temporary restraining order (“TRO Application”) seeking to enjoin Apex’s production of documents.

Also on April 25, 2024, the Indiana Bankruptcy Court heard argument on, and denied, Camshaft’s motion to quash. First, the Court concluded that it had jurisdiction to decide the motion and would exercise that jurisdiction. Then, after thoroughly considering all of Camshaft’s arguments, including for relevance and confidentiality, and specifically examining each of the thirteen requests in the Debtor’s Subpoena, the Court denied Camshaft’s motion with limited modifications to four requests (Request Nos. 2, 3, 12, and 13). *See* Exhibit A (Apr. 25, 2024 Minute Entry Denying Motion to Quash). In view of the Indiana Bankruptcy Court’s denial of its motion to quash, Camshaft voluntarily withdrew its motion for a protective order. Later that day, Camshaft also withdrew its TRO Application in the Camshaft-Apex Proceeding. *See* Ex. B (Apr. 25, 2024 Entry) at 2-3.

In light of these developments, Camshaft’s objections to BYJU’s Alpha’s Subpoena has been fully and completely adjudicated. Therefore, the Debtor respectfully requests that the Court deny Camshaft’s pending motion to quash (Dkt. 1) and the motion for a protective order (Dkt. 20) as moot.<sup>2</sup> The Debtor will be prepared to address any questions the Court may have at the status conference scheduled for April 30, 2024 at 2 P.M. EST.

Respectfully submitted,

/s/ Benjamin Finestone

Benjamin Finestone

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<sup>2</sup> *See Milligan v. GEICO Gen. Ins. Co.*, 2018 WL 3632690, at \*1 (E.D.N.Y. Mar. 31, 2018), *aff’d sub nom. Milligan v. CCC Info. Servs. Inc.*, 920 F.3d 146 (2d Cir. 2019) (denying as moot motion that was the same as the one already denied); *Koziol v. King*, 2015 WL 2453481, at \*13 (N.D.N.Y. May 22, 2015) (denying as moot motion seeking the same relief already denied by the court).